

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES

January 8, 2014

7:30 P.M.

Room 206, Town Hall

Chairman Riccardo called the meeting to order at 7:30 P.M

Commission Members Present: Vickie Riccardo, Wynne Shapiro, Ed Sweeney, Rick Rohr, Alan Armstrong, and Keith Kearney.

Staff: Jacobson

Court Reporter: Syat

Channel 79 recorded the meeting

Ms. Riccardo called the following agenda item:

Discussion regarding darienct.gov e-mail addresses and e-mail retention policies.

The Commission reviewed the policies adopted by the Board of Selectman regarding the proper use of e-mail for communication to avoid conflicts with open meeting requirements and to comply with the Freedom of Information Act. Ms. Riccardo noted that the Selectmen's office should be providing information about issuing "darienct.gov" e-mail addresses to all elected and appointed officials.

Ms. Riccardo called the following agenda item:

Discussion regarding CT DEEP Open Space and Watershed Land Acquisition grant program application for 41 Hecker Avenue.

Mr. Jacobson provided a brief history of the Town's attempts to purchase the property at 41 Hecker Avenue. The Commission discussed the benefits of leaving the property undeveloped from the standpoint of flood prevention, wildlife habitat preservation, and passive recreation.

Mr. Sweeney made a motion to provide an endorsement letter from the EPC to include with the DEEP application grant. Mr. Armstrong seconded the motion and it passed 6-0.

With time remaining before the appointed time to open the public hearing, Mr. Rohr made a motion to approve the minutes of December 4. Mr. Kearney seconded the motion and it passed 4-0. Mr. Sweeney and Mr. Armstrong abstained.

Ms. Riccardo called the following public hearing to order:

EPC-45-2013, Emily & Michael Lyons, 87 Delafield Island Road, proposing house and septic system construction in a regulated area and upland review area. The site is shown on Assessor's Map #70 as Lot #34.

Mr. Rohr was recused for this application and left the meeting

Jacek Bigosinski represented the applicant. He introduced Aleksandra Moch, Wetland Scientist. He said their engineer, Steve Trinkaus, is unavailable for tonight's hearing, but he will respond to the LandTech memo and be available at the next hearing.

Mr. Bigosinski said the applicants are proposing a two bedroom, 3,500 square foot house. He said the typical house in the neighborhood is about 6,000 square feet. He said there are two areas on the property that are outside the wetland, and upland review area, and within the buildable areas for zoning compliance. He said they are locating the house in one of those areas and encroaching into the upland review area by 650 square feet with the house. He said the closest point of the house to the wetland is 43.1 feet.

Mr. Bigosinski said the Health Department has approved the septic system. He said they are proposing to remove four trees out of 41 sizeable trees. He said the driveway surface will be pervious. He said the area of disturbance in the regulated area is 158 square feet. He said there was an alternative plan that was the subject of an application in 1997. That application, which proposed a larger house and septic system, was denied. He described the proposed septic system installation and said they considered moving the pipe closer to the headwall to reduce impacts.

Aleksandra Moch said the site has two wetland systems. She said the property is a 1.8 acre wooded site, of which 0.7 acres is wetland. She said there are signs of seasonal flooding and indications of some vernal pool characteristics. She described the wetland functions and values as discussed in her environmental assessment of the property. She said the current design satisfies the suggestions made for alternatives that were described in the 1997 denial.

Ms. Riccardo asked how they propose to have a basement if they are building on ledge. Mr. Bigosinski said they can chip away the rock.

Ms. Shapiro asked how they can be sure they will not have to blast Mr. Bigosinski said they are flexible and can reduce the area of the basement, if necessary, to just a garage space.

Mr. Sweeney asked how they can be sure they will not encounter ground water in the basement area. Mr. Bigosinski said there was no groundwater in the rain garden test hole area. He said they could do borings in the basement area but he does not feel that there will be any impact to the wetland if they encounter water in the ledge.

Mr. Armstrong asked about the elevation of the slab. Mr. Bigosinski said it will be 92.0.

Ms. Riccardo asked for public comments.

Attorney Bruce Hill said he was representing a number of neighboring property owners. He said the Commission should be aware of the 1997 denial by the EPC. He said the possible construction on this property has been a source of concern to the neighbors for two decades. He said they

would like an opportunity to review the LandTech report and may wish to engage consultants. He said they will be filing a notice of intervention.

Tom Ryder, LandTech Consultants, said he made a site inspection and prepared a report to summarize his findings. He said some of his comments requested additional information. He said the applicant has addressed the alternatives in their presentation and it would be up to the Commission to decide if they have done that adequately. He said the environmental report does a good job describing the existing site conditions. He said he would like more discussion about any potential impacts. He said he would also like more information about the wetland crossing and potential impacts. He said the explanation regarding the wetland flagging is adequate. He would like more information about the planting plan. He said the site wetland may contain habitat suitable for breeding amphibians. He said Landtech's engineer has reviewed the plans and requested additional information.

Ralph Reynolds, Delafield Island Road, asked what time of year the perc tests were done. Mr. Bigosinski said August or September. Mr. Reynolds asked if the area would perc differently in March or April.

The public hearing was continued until February 5, 2014 at 7:30 in room 119.

Mr. Sweeney made a motion to adjourn. Mr. Kearney seconded the motion, and it passed 5-0. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Richard Jacobson
Environmental Protection Officer